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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,678	11/28/2001	Mark W. Horobin	D/A1061	8461

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EXAMINER

BAKER, CHARLOTTE M

ART UNIT PAPER NUMBER

2626

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/994,678

Applicant(s)

HOROBIN, MARK W.

Examiner

Charlotte M. Baker

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____                                                 |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/28/01; 04/18/03</u>                                                    | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Drawings*


1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method steps of claims 1-20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –



Art Unit: 2626

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 7-8, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Wield (6,016,207).

**Regarding claim 1:** Wield discloses feeding to the input scanner (Fig. 1, Fax machine 101) an input sheet having a test pattern thereon (calibration chart, col. 3, ln. 38-40), the input sheet defining an edge (Fig. 3, calibration chart 301, col. 3, ln. 58-61), the test pattern defining a rule relative to the edge (Fig. 3, calibration pattern 303, col. 3, ln. 58-61), thereby recording test data (col. 3, ln. 58-61); causing the printer to output a copy based on the test image data (col. 3, ln. 58-61); entering a reading derived from inspection of the copy; and the printer adjusting an attribute of a subsequent copying operation on an output sheet as a result of the entering step (Fig. 4 and col. 4, ln. 5-15).

**Regarding claim 2:** Wield satisfies all the elements of claim 1. Wield further discloses wherein the attribute relates to a placement of the image on the output sheet in the subsequent copying operation (col. 3, ln. 50-52).

**Regarding claim 3:** Wield satisfies all the elements of claim 1. Wield further discloses wherein the attribute relates to feeding of an original sheet in the subsequent copying operation (col. 3, ln. 62 through ln. 4).

**Regarding claim 4:** Wield satisfies all the elements of claim 3. Wield further discloses wherein the attribute relates to a speed of feeding of an original sheet in the subsequent copying operation (col. 3, ln. 62 through ln. 4).

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Art Unit: 2626

**Regarding claim 7:** Wield satisfies all the elements of claim 1. Wield further discloses wherein the edge is a side edge of the input sheet (Examiner is interpreting a sheet to have four sides and any one of these sides could be considered a "side edge") (col. 3, ln. 58-61).

**Regarding claim 8:** Wield satisfies all the elements of claim 1. Wield further discloses wherein the edge is one of a lead edge or a trail edge of the input sheet (col. 3, ln. 58-61).

**Regarding claim 14:** Wield satisfies all the elements of claim 1. Wield further discloses feeding the copy into the scanner (Fig. 1, Fax machine 101), thereby recording image data relating to the copy (Fig. 3 and col. 3, ln. 58-61), a utility associated with the scanner reading the image data relating to the copy (col. 3, ln. 62 through ln. 4).

**Regarding claim 16:** Wield satisfies all the elements of claim 1. Wield further discloses wherein the rule appears on a partially reflective area on the test pattern (white data, col. 3, ln. 62 through ln. 4).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6, 9-13, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wield.

**Regarding claim 5:** Wield satisfies all the elements of claim 1.

Wield fails to specifically address magnification in the first embodiment.

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Art Unit: 2626

Wield further discloses (second preferred embodiment) wherein the attribute relates to magnification of an image on an original sheet relative to an image on a print sheet in the subsequent printing operation (Applicant states in the specification that magnification can deal with the vertical and horizontal dimensions, see p. 5) (col. 4, ln. 23-50).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a magnification attribute in order to allow for quick and effective calibration as suggested by Wield (col. 5, ln. 36-44).

**Regarding claim 6:** Wield satisfies all the elements of claim 1.

Wield fails to specifically address the rule having a set of numbers in the first embodiment.

Wield further discloses (second preferred embodiment) the rule having a set of numbers associated therewith, and wherein the reading is a number related to the rule (col. 5, ln. 8-15).


**Regarding claim 9:** Wield satisfies all the elements of claim 1.

Wield fails to specifically address the invention as claimed in the first embodiment.

Wield further discloses (second preferred embodiment) wherein the input sheet defines a first edge and a second edge (Fig. 5), the first edge being opposite to the second edge, and wherein the input sheet includes a first rule associated with the first edge (Fig. 5), and a second rule associated with the second edge (Fig. 5 and col. 5, ln. 8-15); and wherein the reading comprises data relating to the first rule and the second rule (Fig. 5 and col. 5, ln. 8-15).

**Regarding claim 10:** Wield satisfies all the elements of claim 9.

Wield fails to specifically address magnification in the first embodiment.



Art Unit: 2626

Wield further discloses (second preferred embodiment) wherein the attribute relates to a magnification, in at least one dimension (vertical or horizontal), of an original image relative to an image on the output sheet in the subsequent printing operation (Applicant states in the specification that magnification can deal with the vertical and horizontal dimensions, see p. 5) (col. 4, ln. 23-50).

**Regarding claim 11:** Wield satisfies all the elements of claim 9.

Wield fails to specifically address the elements of claim 9 in the first embodiment.

Wield further discloses wherein the attribute relates to feeding of an original sheet in the subsequent copying operation (col. 3, ln. 62 through ln. 4).

**Regarding claim 12:** Wield satisfies all the elements of claim 11.

Wield fails to specifically address the elements of claim 9 (claim 11 depends from 9) in the first embodiment.

Wield further discloses wherein the attribute relates to a speed of feeding of an original sheet in the subsequent copying operation (col. 3, ln. 62 through ln. 4).

**Regarding claim 13:** Wield satisfies all the elements of claim 1.

Wield fails to specifically address manual entering of the readings through a user interface in the first embodiment.

Wield further discloses visually observing the readings on the copy (col. 5, ln. 8-15), and manually entering the readings through a user interface (col. 5, ln. 29-32).

**Regarding claim 17:** Wield discloses causing the printer to print a test pattern on an output sheet (Fig. 3), the output sheet defining an edge (col. 3, ln. 58-61), the test pattern defining a rule relative to the edge (col. 3, ln. 62 through ln. 4);

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Art Unit: 2626

Wield fails to specifically address the remaining elements of the claimed invention within the first embodiment.

Wield discloses (second preferred embodiment) entering a reading derived from inspection of the output sheet; and the printer adjusting at least one attribute of a subsequent printing operation as a result of the entering step (col. 5, ln. 8-32), the attribute being one of a placement of an image along a process direction and a placement of an image perpendicular to the process direction (col. 5, ln. 8-32).

**Regarding claim 18:** Wield satisfies all the elements of claim 17.

Wield fails to specifically address setting the printer at a predetermined value in the first embodiment.

Wield further discloses wherein the causing step includes setting at least one attribute of the printer at a predetermined default value (col. 5, ln. 29-32).

**Regarding claim 19:** Wield satisfies all the elements of claim 17.

Wield fails to specifically address manually entering readings in the first embodiment.

Wield further discloses visually observing the readings on the copy, and manually entering the readings through a user interface (col. 5, ln. 8-32).

**Regarding claim 20:** Wield satisfies all the elements of claim 17.

Wield fails to specifically address the elements of claim 17 in the first embodiment

Wield further discloses feeding the output sheet having the test pattern into a scanner associated with the printer, thereby recording image data relating to the test pattern (col. 3, ln. 62 through ln. 16).

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Art Unit: 2626

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wield in view of Clifton (US2002/008042A1).

**Regarding claim 15:** Wield satisfies all the elements of claim 14.

Wield fails to specifically address optical character recognition software.

Clifton discloses the utility associated with the scanner including optical character recognition software (par. 2).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include optical character recognition software as suggested by Clifton to convert from raw digital pixel data or image data into text capable of being manipulated by a word processor (par. 2).

#### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lodwick et al. (6,226,419).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459.

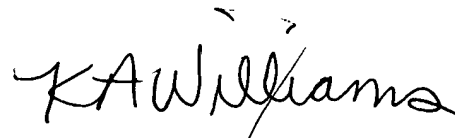
The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CMB

  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER

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